

OCT 25 2013

JULIA C. DUDLEY, CLERK
BY: 
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA)	Criminal Case No. 5:06cr00054-1
)	
v.)	<u>FINAL ORDER</u>
)	
JUAN EVANGELISTA CASTRO)	By: Samuel G. Wilson
)	United States District Judge

In accordance with this court's memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Castro's "letter motion" (ECF No. 218) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion is **DISMISSED without prejudice** as successive; Castro's request for the appointment of counsel is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

Further, the court finds that Castro has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

ENTER: This 27th day of October, 2013.



United States District Judge